

Amendment to Design Standards, Chapter 1.0

Section 2.2

2.2 Design Standards for Zoning Regulations

Any request for a deviation from the Design Standards for Zoning Regulations shall be filed with the Planning Director. Such request shall set forth the specific modification requested and all supporting reasons and documentation as to why the modification should be granted, how the public welfare will be preserved, and why the modification will not detract from the intent and spirit of these design standards. The Director shall distribute a copy of the requested modification and the applicant's statement and accompanying data to the director of the department designated as primarily responsible for the design standards from which the modification is sought. Such director shall, within fifteen days from receipt of a copy of the requested modification, file with the Planning Director notice of his approval of the requested modification or a report stating why the modification should not be granted. Within thirty days from the filing of the request for modification, the Planning Director shall notify the applicant in writing of the recommended approval or disapproval of the request. The request for modification will then be scheduled on the Planning Commission agenda for public hearing and action as provided below.

(1) (a) If the requested modification is recommended for approval by the director of the department designated as primarily responsible for the design standards from which the modification is sought, the Planning Commission, after holding at least one public hearing on the requested modification, may modify such design standards so that the applicant may develop the land in a reasonable manner, but so that at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

(b) Any aggrieved person may appeal any action of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission. Upon receipt of the appeal by the City Council, the Council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Section 27.81.050. The City Council may, after public hearing in conformity with the provisions of this title, reverse or affirm, wholly or partially, or may modify the action of the Planning Commission appealed from.

(2) If the director of the department designated as primarily responsible for the design standards for which the modification is sought recommends denial of the requested modification, the Planning Commission shall hold a public hearing on such request and make a report and recommendation to the City Council regarding whether the modification should be granted or denied and, if approved, how the public welfare will be

preserved and why the modification, if granted, will not detract from the intent and spirit of these design standards. The findings of the Commission after public hearing shall be submitted to the City Clerk within seven days from the action by the Planning Commission. After submittal of the findings of the Planning Commission to the City Clerk, the City Clerk shall cause the requested modification to be placed on the agenda of the City Council for approval by the City Council by resolution. The City Council, after holding at least one public hearing on the requested modification, may modify such design standards so that the applicant may develop the land in a reasonable manner, but so that at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these design standards are preserved.

Notice of public hearings required under this section shall be provided pursuant to Section 27.81.050 of the Lincoln Municipal Code.

Notwithstanding the above, any request for a deviation of the Capitol Environs Design Standards may be approved by the Nebraska Capitol Environs Commission as provided in said design standards and any request for deviation of the Neighborhood Design Standards may be approved by the ~~Historic Preservation Commission~~ Planning Director or the Urban Design Committee as provided in said design standards.

Chapter 3.75

NEIGHBORHOOD DESIGN STANDARDS

*The Planning Department is assigned responsibility
for administration of these design standards.*

Section 1. INTRODUCTION

Certain areas of Lincoln within the well-established neighborhoods have evolved into relatively dense residential sections which retain much of the traditional physical character of their original lower density development. *These are areas of the City that were ~~annexed prior to~~ within the city limits on December 31, 1949, and are potentially eligible for the National Register of Historic Places.* The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in such areas, while allowing necessary new construction that is compatible with the surrounding development.

The standards focus on a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking. The written standards are accompanied by a sketchbook which both illustrates the basic requirements and makes suggestions of additional means and ideas to achieve greater compatibility ~~of multi-family construction~~. Together, the design standards and the sketchbook are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas and to think about the effect new building design has in those neighborhoods. These standards and suggestions cannot guarantee good design—only the talents and efforts of owners, designers, and builders do that—but they hopefully will eliminate certain design features that most negatively impact the character of older neighborhoods. *(Amended 3-1-2004; Resolution No. A-82591).*

Section 2. WORK REQUIRING REVIEW

The design standards apply to new construction of principal buildings on land located within the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, and subsequent modifications to those buildings, provided such land was ~~annexed and made part of~~ within the corporate limits of the City prior to on December 31, 1949.

The following categories of work do not require review under the Neighborhood Design Standards (although other building and zoning codes may apply):

1. Alterations to buildings existing at the date of enactment of these standards (~~date~~);
2. Landscape changes to existing developed sites;
3. Construction of accessory buildings on existing developed lots;
4. Any interior aspects of new or existing construction.

(Amended 3-1-2004; Resolution No. A-82591).

Section 3. APPLICATION AND REVIEW PROCESS

The review process ~~for the Neighborhood Design Standards in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts~~ is designed to parallel the current building permit review process. That is, review for compliance with the Neighborhood Design Standards will take place at the same time that other components of the building permit are examined. In doing so, all attempts are made to avoid increased time for review and approval. To facilitate this administrative review process, the applicant will be requested to submit certain additional items with the normal building permit application. Those items are as follows:

1. At least one black or blue line print showing the principal street facade, the side facades, and the site plan of the proposed building.

~~2. A photograph or photographs showing the site and adjacent buildings.~~

(Amended 3-1-2004; Resolution No. A-82591).

Section 4. GENERAL REQUIREMENTS

4.1 Building Elements

1. New buildings shall utilize a roof type and pitch commonly found within the same and facing block front. Hipped or gable roofs with pitch of at least 22.5 degrees (6/12 pitch) are acceptable for any project regulated by the Neighborhood Design Standards in any district. Roofs of lower pitch and other types may be compatible in specific districts, and can be proposed and approved on an individual basis. In such cases, the applicant should cite specific examples within a block of the project location ~~the district~~ comparable to the proposed building in height and to the proposed roof in type and pitch.
2. Existing residential structures within established neighborhoods typically share similar design features, such as a common orientation to the street, seen in the location of entrances, windows, and porches. New buildings shall provide at least two openings (combination of windows or door) per story oriented to the street ~~and shall provide including at least one window and~~ an entrance to a dwelling unit or to a hallway leading to a dwelling unit.

On corner properties with two required front yards, the principal facade for purposes of orientation (requiring door and windows) shall match the pattern of half or more of the houses on the same and facing block fronts, if such a pattern exists. The other required front yard shall not be required to have an entrance to a dwelling unit but shall meet other requirements for a principal facade (regarding windows, limitations on garage doors, and building length).

3. ~~Use of Front porches is strongly encouraged.~~ are required, when half or more of the houses on the same and facing block fronts or on adjacent blocks have front porches. Front porches shall be equal in width to at least 50% of the length of the front facade and equal in depth to half the depth of the front yard, or ten feet, whichever is less. Smaller porches may be approved based on evidence that half

or more of the houses on the same and facing block fronts or on the adjacent block faces have smaller porches.

4. Exterior stairs serving second floor units are not allowed on street facades.
5. The elevation of the first floor level of new dwellings shall generally match the pattern of half or more of the houses on the same and facing block fronts. In other words, if the first floor of most houses in an area are positioned three or four steps above the prevailing grade, new dwellings should have a similar height of first floor, and if most surrounding houses are one or no steps above grade, new construction should match this characteristic.
Creating accessibility for physically handicapped shall be an exception to the requirement of front steps while working to assist a blend of architecture in the surrounding neighborhood. (Amended by Planning Commission, 10/13/04.)
(These Design Standards do not supercede floodplain or accessibility standards but neither are these Standards waived for those other public purposes. Good design and planning can meet multiple objectives.)
6. In areas subject to these Standards that do not have prevailing patterns (such as new streets developed as Community Unit Plans [CUPs]), the general intent is to produce dwellings which are oriented to principal access ways and have the "neighborly" design characteristics called for in these standards, while respecting the creative design elements fostered by CUPs.
7. Garages, if constructed, shall follow the pattern of half or more of the residential properties on the same and facing block front, such as:
 - a. if the pattern in an area is that garages are located behind the house, a pattern of rear garages shall be followed;
 - b. if the pattern in an area is that garages are attached or that garages are part of the main building with doors facing the street, doors for not more than two stalls are permitted on a portion of the main building facing a front lot line, provided such doors shall not occupy more than 40% of the length of the principal street facade. Garage doors are permitted in the main plane of the facade or forward of the main plane only when documentation is provided that such a feature is the pattern of half or more of the houses in an area (such as post-World War II "ranch" houses)
 - c. if there is no garage pattern shared by at least half of the residential properties on the same and facing block front, garages may be attached and face the street provided the garage portion of the building is set back from the main plane of the principal facade at least five feet.
8. Height of new buildings should be similar to that of existing residences on the same and facing block fronts. New buildings shall be acceptable that are not taller than the tallest residential structure, nor shorter than the shortest residential structure, built prior to December 31, 1949 on the contiguous block face, provided that:

- a. the maximum allowable height shall not be reduced to less than twenty-eight (28) feet, and
 - b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing, adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.
9. In order to encourage variation of the front elevation, up to twenty-five percent (25%) of the length of the principal street facade may be constructed up to two feet (2') into the required front yard. Use of this provision, however, cannot increase the extension of porches into a required front yard beyond that otherwise allowed in Sections 27.71.100 and 27.71.110 of the Zoning Ordinance.
10. The rhythm of similar width houses on similar width lots does much to establish the character of Lincoln's established residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the existing adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternate designs that maintain the rhythm of the blockface by such means as shifts in materials within the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

4.2 Yards and Open Space

1. Elevated walkways, or balconies serving more than one unit shall not be located on a portion of the building facing a front or side yard, nor shall open space credit be given for any walkways or balconies.
2. Entrances to the building shall not be located on a portion of the building facing a side lot line unless the entire building is at least ten feet (10') from that side lot line.
3. No more than one mechanical unit, such as air conditioning units, shall be located within each required front ~~or side~~ yard and not more than three in any required side yard, provided that multiple units are spaced at least twenty feet apart. Such accessory structures will be screened from adjacent properties if located within a required front yard or within ten feet (10') of a side lot line.
4. Care should be taken to preserve existing street trees. Any trees removed shall be replaced in accord with the city's Master Street Tree Plan, and additional trees shall be planted as necessary to reach a standard of one street tree per fifty feet (50') of street frontage.

4.3 Parking

1. No required parking space shall be allowed between the building and the front property line ~~in the R-5, R-6, R-7 and R-8 districts~~. Driveways and parking aprons in the front yard may not measure more than 20 feet wide.
2. Trees in addition to any others required elsewhere shall be planted within five (5) feet of a parking area at the rate of one tree for every six (6) parking spaces.
3. Parking areas of four or more stalls shall be screened from adjacent properties. Fences may be used for screening in rear yards.

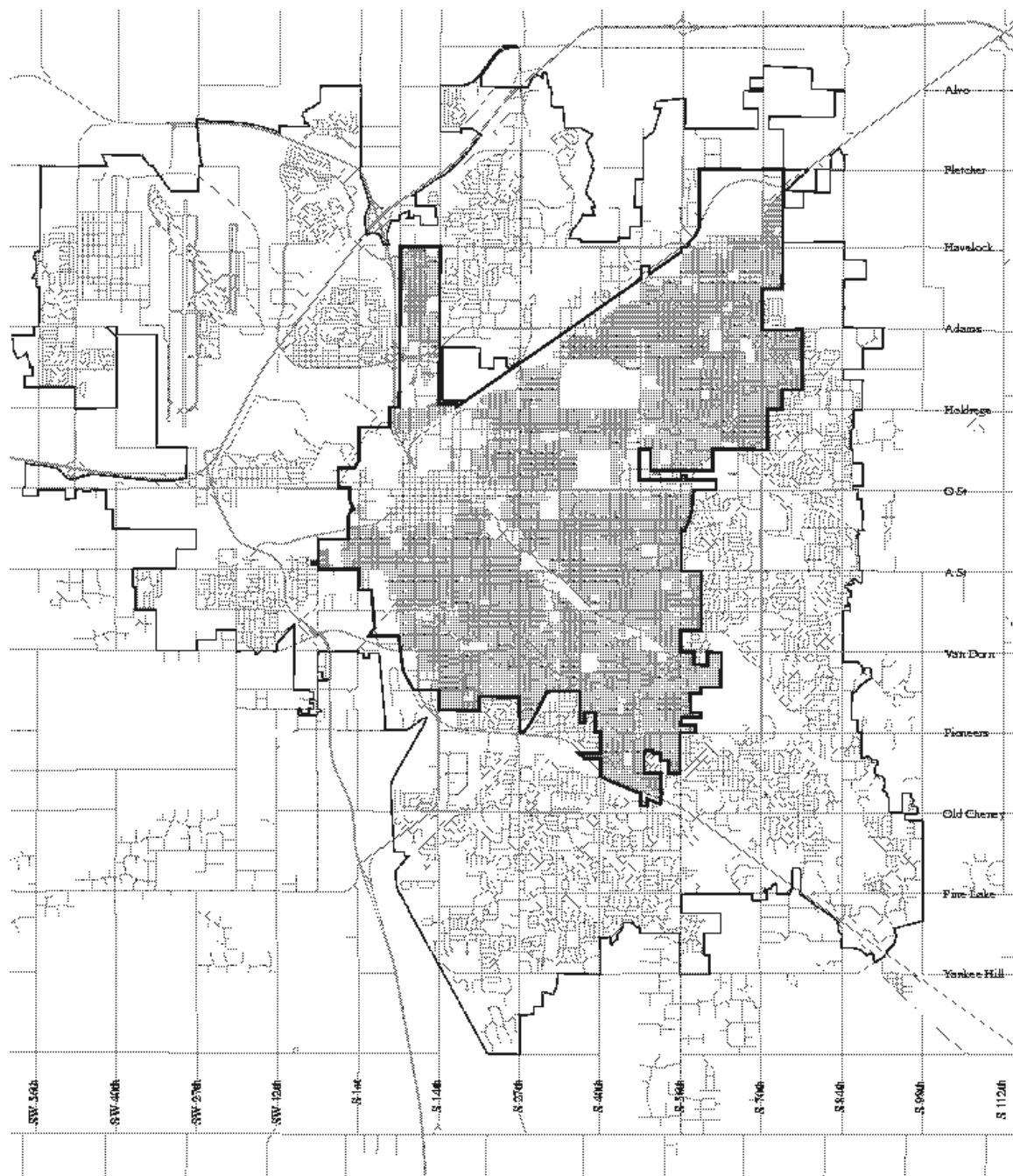
Section 5. WAIVERS AND APPEAL

If the proposed building plan is found to be not in compliance with Neighborhood Design Standards, the applicant may appeal that finding to the Director of Planning, who may waive strict conformance with the Standards upon written finding that the design enhances its setting and meets the intent of the Neighborhood Design Standards. Owners of adjacent property within 200 feet shall be notified by first class mail of such waivers, along with the neighborhood or homeowners association, if any, for the area of the property.




~~Decisions of the Planning Director may be appealed to the Historic Preservation Commission Urban Design Committee within fourteen (14) days of the date of the notification mailing. The applicant party appealing should provide the Commission Committee with any information that demonstrates whether or not the proposed design is compatible with the affected underlying zoning district and whether it meets the intent of the Neighborhood Design Standards.~~

~~The Historic Preservation Commission Urban Design Committee shall review the proposed design and any additional information, and shall make a written finding upholding or reversing the administrative decision. The Commission Committee may find a design compatible that varies from specific design standards, but meets the overall intent of the Neighborhood Design Standards. If the Commission Committee upholds an administrative finding that a design is not compatible, the Commission Committee may recommend changes to the proposed building permit application in order to meet the intent and purpose of the Neighborhood Design Standards.~~

~~If the Historic Preservation Commission upholds a finding of non-compatibility, the applicant may appeal this finding to the City Council. Findings and actions of the Urban Design Committee may be appealed within 14 (fourteen) days to the City Council by a letter filed with the City Clerk. The City Council shall review the Commission's Committee's recommendations in considering the applicant's request to modify or waive any of the Neighborhood Design Standards. If the Council approves a waiver(s) to these standards, the applicant may resubmit the building plans for building permit review. Should Council affirm the recommended changes by staff or Historic Preservation Commission Urban Design Committee, the applicant shall make such changes prior to resubmitting the building permit application.~~



Neighborhood Design Standards Boundary

-  Currently Zoned Residential: Inside Jan 1, 1950 City Limits
-  Jan 1, 1930 City Limits
-  2004 City Limits

